

Message Text

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43

ACTION AF-18

INFO OCT-01 EUR-25 ADP-00 CIAE-00 INR-09 NSAE-00 RSC-01

L-03 PA-03 PRS-01 USIA-12 RSR-01 /074 W

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R 281430 Z MAR 73

FM AMEMBASSY MBABANE

TO SECSTATE WASHDC 4703

INFO AMEMBASSY GABORONE

AMEMBASSY LONDON

AMEMBASSY PRETORIA

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E. O. 11652: N/A

TAGS: PINS, WZ

SUBJ: NGWENYA CASE -- APPEALS COURT RULES

SPECIAL TRIBUNAL NULL AND VOID

REF: MBABANE A-009 (NOTAL)

1. SWAZILAND COURT OF APPEALS RULED MARCH 27 THAT IT WAS BEYOND POWERS PARLIAMENT TO ENACT IMMIGRATION ACT OF 1972. THEREFORE, ACT IS NULL AND VOID. IN EFFECT, APPEALS JUDGES SCHREINER, MILNE AND SMITH OVERTURNED HIGH COURT CHIEF JUSTICE HILL DECISION THAT SPECIAL TRIBUNAL ESTABLISHED UNDER IMMIGRATION ACT WAS CONSTITUTIONAL. STILL PENDING IS APPEALS COURT DECISION ON APPEAL BY DPM KHUMALO AGAINST FORMER CHIEF JUSTICE PIKE DECISION THAT NGWENYA IS CITIZEN OF SWAZILAND.

2. FOR MOMENT, NGWENYA LEGALLY SWAZI CITIZEN. HE STILL UNDER ORDER CIRCUMSCRIBING MOVEMENTS, I. E. , PREVENTING HIM FROM ATTENDING PARLIAMENT IF AND WHEN IT CONVENES. INTERESTING RAMIFICATIONS INCLUE INDEPENDENCE OF JUDGES WHO ALL SOUTH AFRICAN, POSSIBILITY FURTHER DELAY IN OPENING PARLIAMENT AND PRESENTATION BUDGET AND PROBABILITY TIMETABLE FOR PROPOSING PROFOUND AMENDMENTS
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TO " WESTMINSTER" CONSTITUTION WILL BE MOVED UP.
SPICER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

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Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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30 JUN 2005

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